REMARKS

Claims 1-79 are pending in this Application. The Office Action dated January 9, 2004, has rejected Claims 1-73. The Office Action has objected to the sheets for Figures 1-3, 5, 6, 10, 11, 12, and 13 for failing to comply with margin requirements and the Specification and the Abstract for informalities.

Applicants have amended Claims 1, 3, 4, 8, 12, 13, 15, 21, 22, 26, 27, 29, 30, 34, 35, 37, 38, 43, 45, 47, 49, 50, 52, 53, 59, 62-65, and 67-69. Applicants have also amended the Specification, Abstract; and margins of the sheets for Figures 1-3, 5, 6, 10, 11, 12, and 13. Also, new Claims 74-79 have been added to further clarify the patentable subject matter of the claimed invention. No new matter has been added by any of these amendments or new claims. For the reasons discussed in detail below, Applicants submit that the Specification, Abstract, and objected to figures are now in order and the pending claims are now patentable over the art of record.

Objections and allowable matter:

The Office Action objected to Claims 3, 4, 22, 29, 30, 43, 45, 47, 52, 53, 59-65, 67, 70, 71, and the Specification for informalities and stated that Claims 59-62 would be allowable if rewritten in independent form.

In response, Applicants have amended Claims 3, 4, 22, 29, 30, 43, 45, 47, 52, 53, 63-65, 67, 70, 71, and the Specification including the Abstract to correct the informalities. Also, Claim 59 has been amended to include all of the limitations of the rejected independent Claim 43, therefore, Claims 59-62 are now in condition for allowance.

The Office Action also objected to the sheets including Figures 1-3, 5, 6, 10, 11, 12, and 13 for failing to comply with margin requirements. Accordingly, the margins of the sheets for Figures 1-3, 5, 6, 10, 11, 12, and 13 have been amended and are submitted with this response.

Additionally, the Office Action objected to the number of words in the Abstract. Applicants have amended the Abstract by reducing the number of words, no new matter has been added.

The 35 U.S.C. §103(a) rejections:

The Office Action has rejected Claims 1, 2, 11, 14, 16, 18, 23, 24, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,058,417, Hess et al. ("Hess").

Amended Claim 1 recites a method for enabling a product associated with an image to be provided to a user. The method comprises, inter alia, employing the context of an interaction to determine the image to be displayed. (emphasis added). The process of determining which images are to be displayed includes an analysis of a user's contextual interaction. Examples of such contextual interaction include type of viewing program, hierarchical position of user in a website, search criteria, and the like. See Specification, page 7, lines 26-27; and page 21, lines 6-11, Figure 18. In one embodiment, the determining of the contextual interaction employs an artificial intelligence engine to interface with a context object that provides contextual interaction data. See Specification, page 20, lines 20-24, Figure 17.

Unlike the claimed invention, however, Hess discloses enabling a user to provide information (text and optional images) associated with an item offered for sale in an online trading environment. The user supplies the information which includes the description of the item offered for sale and one or more sites from which an optional image can be retrieved. See Hess, Col 2, lines 10-19. Nowhere in the cited reference is their a teaching or a suggestion that an image of the item is provided based on the context of an interaction. Rather, Hess clearly discloses that a user may optionally provide the image in addition to the text indicating the terms of an offer to sell and description of an item in an online environment. Thus, since Hess does not teach or suggest an element of the claimed invention, amended Claim 1 is not obvious in view of the cited reference.

Additionally, amended Claim 1 teaches associating the displayed image with information indicating each product that is available for use with the image where each product is available to display a representation of the image. Examples of these products include postcards, screensavers, calendars, and stationery. See Specification, page 4, lines 12-15. Further, the availability of each product is determined by whether or not it is authorized for displaying a representation of the displayed image.

Again, unlike the claimed invention, nowhere in Hess is there a teaching or suggestion that the display of a product is based on its availability for use with a representation of the image. Instead, Hess discloses enabling a user to optionally provide an image associated with an image offered for sale in an online trading environment. Therefore, since Hess fails to teach or suggest several elements of the claimed invention, amended Claim 1 is now in condition for allowance.

Additionally, Claims 2, 11, 14, 16, 18, 23, 24, and 25 depend from amended independent Claim 1, and are allowable for at least the reasons listed above for the independent claim upon which they depend.

Furthermore, amended independent Claim 26 is substantially similar to amended Claim 1 in some ways, albeit different in other ways. Thus, amended Claim 26 is also allowable for at least the same reasons that amended Claim 1.

Additionally, the Office Action has rejected Claims 3-10, 12, 13, 15, 17, and 19-22 under 35 U.S.C. §103(a) as being unpatentable over various combinations of Hess, U.S. Patent No. 6,624,909, Czyszczewski et al., U.S. Patent No. 5,898,594, Leason et al., U.S. Patent No. 6,369,835, Lin, U.S. Patent No. 5,493,677, Balogh et al., U.S. Patent No. 6,017,157, Garfinkle et al., U.S. Patent No. 6,285,775, Wu et al., U.S. Patent No. 5,530,759, Braudaway et al., Digital Imaging Tools from IronMike Software: 300 Installed at 50 Sites, Microsoft Press Computer Dictionary, and official notice. Applicants respectfully traverse these rejections for at least substantially the same reasons as presented above for amended independent Claim 1, upon which they depend.

The Office Action has rejected Claims 1, 2, 11, 14, 16, 17, 18, 23, 25, 27, 28, 31-33, 36, 39, 41-43, 46, 48, 49, 51, 53, 66, and 68 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,493,677, von Rosen et al. (hereinafter, "von Rosen").

Amended Claim 1 recites a method for enabling a product associated with an image to be provided to a user. The method comprises, inter alia, employing the context of an interaction to determine the image to be displayed. (emphasis added). The process of determining which images are to be displayed includes an analysis of a user's contextual interaction. Examples of such contextual interaction include type of viewing program, hierarchical position of user in a website, search criteria, and the like. In one example, the determining of the contextual interaction employs

an artificial intelligence engine to interface with a context object that provides contextual interaction data.

In contrast, Rosen discloses ordering branded merchandise over a computer network that can include a representation of an image selected by a user. The user is asked to identify an image, which may be selected by or provided by the user. See von Rosen, Abstract, Col 1, line 66 - Col 2, line 2 and lines 23-32. The branded merchandise can include t-shirts, cups, bottles, and billboards. See von Rosen, Col 5, lines 44-46 and 50-54.

Von Rosen discloses that the user selects both a product (branded merchandise) and an image, which are subsequently employed to form branded merchandise with a representation of the image. However, nowhere in the cited reference is there a teaching or suggestion that an image of an item is provided based on the context of an interaction. Nor is there a teaching that each product is available to display a representation of the image. Rather, von Rosen seems to "assume" that all images are authorized for use with branded merchandise, which for contractual and rights issues is often not the case. Clearly, von Rosen does not teach or suggest making a distinction in displaying products for use with the represenation of the image based on their availablity for use with a representation of the displayed image.

Therefore, von Rosen fails to teach or suggest the claimed invention of amended Claim 1. Applicants respectfully submit that amended Claim 1 is now in condition for allowance.

Independent Claims 27, 43, and 68 have been amended in ways substantially similar to the amended Claim 1. Thus, for at least the same reasons as discussed above for amended Claim 1, these claims are not rendered obvious by von Rosen and are also in condition for allowance.

Furthermore, Claims 2, 11, 14, 16, 17, 18, 23, and 25 depend from amended independent Claim 1. Claims 28, 31-33, 36, 39, 41 and 42 depend from amended independent Claim 27 and Claims 46, 48, 49, 51, 53 and 66 depend from amended independent Claim 43. Therefore, dependent Claims 2, 11, 14, 16, 17, 18, 23, 25, 28, 31-33, 36, 39, 41-42, 46, 48, 49, 51, 53, and 66 are allowable for at least the reasons listed above for amended independent Claims 1, 27, and 43.

Additionally, The Office Action has rejected Claims 29, 30, 34, 35, 37, 38, 40, 44, 45, 47, 50, 52, 54, 55-58, 63-65, and 67 under 35 U.S.C. §103(a) as being unpatentable over various combinations of von Rosen, U.S. Patent No. 6,624,909, Czyszczewski et al., U.S. Patent No. 5,898,594, Leason et al., U.S. Patent No. 6,369,835, Lin, U.S. Patent No. 5,493,677, Balogh et al., U.S. Patent No. 6,017,157, Garfinkle et al., U.S. Patent No. 6,141,482, Massarsky et al., U.S. Patent No. 6,466,975, Sterling, Microsoft Press Computer Dictionary. Applicants respectfully traverse these rejections.

Applicants respectfully submit that at least for the same reasons as discussed above for amended independent Claims 1, 27, and 43, Claims 29, 30, 34, 35, 37, 38, 40, 44, 45, 47, 50, 52, 54, 55-58, and 63-65 are not rendered obvious by the suggested combinations of prior art and are allowable.

Additionally, in regard to amended independent Claim 67, although the contextual interaction information is employed to display the representation of a product instead of an image, substantially the same reasons presented above for the other amended independent claims applies and this claim is now in condition for allowance.

The Office Action rejected has rejected Claims 69-73 under 35 U.S.C. §103(a) as being unpatentable in view of U.S. Patent No. 6,438,579 Hosken and in view of Official Notice.

The Office Action stated that Hosken makes obvious all of the elements of independent Claim 69 except for automatically displaying the representation of each product that is available for the sound and representation of the sound in a page, or enabling the available product for the sound to be provided to the user when the representation of an available product is selected in the displayed page. However, the Office Action smoothed over this defect by taking Official Notice that it is well known to use web pages to display lists of available products and to provide such products in response to a customer selecting a product in the web page.

Amended Claim 69 teaches employing the context of an interaction to determine the representation of the sound to be displayed. As discussed at length above for independent Claim 1, this determination is much more complex than the mere selection disclosed in Hosken. Instead, the claimed invention provides for considering the context of a variety of interactions in the

determining of the representation of a sound to be displayed. Additionally, in ways substantially similar to the discussion above for amended Claim 1, amended Claim 69 also teaches displaying products that are available for use with a representation of the sound. Clearly, Hosen does not teach or suggest making a distinction in displaying products for use with the representation of a sound based on their availablity for use with the sound. Furthermore, Applicants disagree with the Official Notice assertion and submit that the Office Action must provide something more than a mere observation to obviate multiple elements of amended independent Claim 69.

Therefore, amended independent Claim 69 is not made obvious by Hosen and is now in condition for allowance. Further, Claims 70-73 are allowable for at least the same reasons as independent Claim 69, upon which they depend.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has addressed fully all of the concerns expressed in the Final Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Entry of the amendments and early favorable action in the form of a Notice of Allowance is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

Dated: April 9, 2004

Respectfully submitted,

By _____

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AMENDMENT TO THE DRAWINGS

The attached sheets 1-3, 5, 6, 9 and 10 of drawings includes changes to Figures 1-3, 5, 6, 10, 11, 12, and 13, whereby non-compliances with margin requirements have been corrected. Please replace following sheets 1-3, 5, 6, 9, and 10 with the currently filed sheets.